

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
RICHARD LEE TRIMMER,  
Defendant.

Case No. 2:97-cr-00088-RFB

**ORDER REVOKING CONDITIONAL  
RELEASE (ECF NO. 163)**

On March 2, 2018, this Court issued an Order of Conditional Release under 18 U.S.C. § 4243(f) for Mr. Trimmer to reside at Unlimited Possibilities and abide by specified conditions while continuing treatment. ECF No. 176. On March 12, 2018, a petition to revoke Mr. Trimmer's conditional released was issued alleging he had violated his conditional release. ECF No. 177. On July 5, 2018, this Court held a final hearing on the petition to revoke Mr. Trimmer's conditional release. ECF No. 196. At the July 5, 2018 hearing, Mr. Trimmer demonstrated clear and observable mental difficulties in terms of comprehension and other cognitive functioning. *See* ECF No. 198. As a result, the Court remanded Mr. Trimmer to the custody of the Bureau of Prisons for an evaluation of his competency to participate in the revocation hearing pursuant to 18 U.S.C. §§ 4241 and 4247. ECF Nos. 196, 198.

The BOP subsequently provided the Court and the parties with a written report and evaluation of Mr. Trimmer's competency to participate further in the proceedings. The BOP recommended Mr. Trimmer be committed to a federal medical center for treatment for restoration to competency pursuant to 18 U.S.C. § 4241(c). The parties did not oppose the

1 BOP's recommendation. This Court ordered Mr. Trimmer's commitment to the BOP custody  
2 for treatment to determine whether he would attain the capacity to participate in a hearing on  
3 the revocation of his conditional release. ECF No. 207.

4 On March 20, 2019, the BOP provided a written report to the Court and the parties  
5 regarding Mr. Trimmer's competency to continue with the revocation proceedings. The BOP  
6 concluded that Mr. Trimmer is able to understand the nature and consequences of the  
7 proceedings against him and to assist properly in his own defense. On April 22, 2019, this  
8 Court held a hearing. *See* ECF No. 213.

9 Mr. Trimmer waived his right to an evidentiary hearing on the petition and admitted to  
10 violating his conditional released by leaving Unlimited Possibilities ("UP") without permission  
11 or approval by the United States Probation Office and by failing to return to UP. ECF No. 177  
12 (paragraph #1). The government agreed to dismiss the remaining allegations in the petition.  
13 The parties recommended revocation of Mr. Trimmer's conditional release pursuant to 18  
14 U.S.C. § 4243(g) and requested his return to a BOP facility for treatment. Accordingly,

15 IT IS HEREBY FOUND that RICHARD LEE TRIMMER has failed to comply with  
16 the prescribed regimen of medical, psychiatric or psychological care or treatment and his  
17 continued release would create a substantial risk of bodily injury to another person or serious  
18 damage to property of another, and;

19 IT IS HEREBY ORDERED that RICHARD LEE TRIMMER's conditional release is  
20 revoked and he is remanded forthwith to the Bureau of Prisons, Federal Medical Center in  
21 Rochester, Minnesota.

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1           IT IS FURTHER ORDERED that the Bureau of Prisons, Federal Medical Center  
2 provide within six (6) months of this Order a written Risk Assessment Review Report that  
3 assesses Mr. Trimmer's mental status and assess whether he poses a substantial risk of bodily  
4 injury to others or serious damage to property of others due to his mental health condition.

5           DATED this 23rd day of April, 2019.

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7           By: \_\_\_\_\_  
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9           RICHARD F. BOULWARE, II  
10           UNITED STATES DISTRICT JUDGE

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